

**Amendment and Response**

Applicant: Jeffery S. Hess

Serial No.: 10/061,514

Filed: February 1, 2002

Docket No.: 10010488-2

Title: SUBSTRATE AND METHOD OF FORMING SUBSTRATE FOR FLUID EJECTION DEVICE

**REMARKS**

The following remarks are made in response to the Non-Final Office Action mailed September 15, 2003, in which claims 72-81, 83-91, and 93-96 were rejected, claims 82, 92, 97, and 98 were objected to, and claims 99-112 were withdrawn from consideration as being directed to a non-elected invention. With this Amendment, claims 72, 81, 86, and 91 have been amended to clarify Applicant's invention, and allowable claims 82, 92, 97, and 98 have been rewritten in independent form. Claims 72-98, therefore, are presented for reconsideration and allowance.

**Election/Restrictions**

Applicant hereby affirms the election without traverse of the invention of Group I (claims 72-98).

**Claim Rejections under 35 U.S.C. § 102 and § 103**

Claims 72-81 and 83-91 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamisuke et al. (JP Patent Publication No. 4-312853 A). Claims 72-81, 83-91, and 93-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamisuke et al. (JP Patent Publication No. 4-312853 A).

With this Amendment, independent claim 72 has been amended to clarify that overetching each of the second portions of the opening includes "diverging at least one of the second portions from the second side toward the first side" of the substrate, and independent claim 86 has been amended to clarify that etching into the substrate at an interface between the first slot and each of the second slots includes "diverging at least one of the second slots from the second side toward the first side" of the substrate.

With respect to Kamisuke et al., this publication does not teach or suggest a method of forming an opening through a substrate, as claimed in claim 72, wherein overetching second portions of an opening includes "diverging at least one of the second portions from the second side toward the first side" of a substrate, nor a method of forming a substrate for a fluid ejection device, as claimed in claim 86, wherein etching into a substrate at an interface between a first slot and second slots includes "diverging at least one of the second slots from the second side toward the first side" of the substrate.

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In view of the above, Applicant submits that independent claims 72 and 86 are patentably distinct from Kamisuke et al. and, therefore, in a condition for allowance. Furthermore, as dependent claims 73-81 and 83-85 further define patentably distinct claim 72 and include additional patentable subject matter, and dependent claims 87-91 and 93-96 further define patentably distinct claim 86 and include additional patentable subject matter, Applicant submits that dependent claims 73-81, 83-85, 87-91, and 93-96 are also in a condition for allowance at least by virtue of their dependence. Applicant, therefore, respectfully requests that the rejections of claims 72-81 and 83-91 under 35 U.S.C. 102(b) and claims 72-81, 83-91, and 93-96 under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 72-81, 83-91, and 93-96 be allowed.

**Allowable Subject Matter**

Claims 82, 92, 97, and 98 are objected to as being dependent upon a rejected base claim and are indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

With this Amendment, Applicant has rewritten allowable claim 82 in independent form to include limitations of the base claim (claim 72) and any intervening claims (none). Applicant, therefore, respectfully requests that the objection to claim 82 be withdrawn and that claim 82 be allowed.

With this Amendment, Applicant has rewritten allowable claim 92 in independent form to include limitations of the base claim (claim 86) and any intervening claims (none). Applicant, therefore, respectfully requests that the objection to claim 92 be withdrawn and that claim 92 be allowed.

With this Amendment, Applicant has rewritten allowable claim 97 in independent form to include certain limitations of the base claim (claim 86) and intervening claims (93 and 95). Applicant, therefore, respectfully requests that the objection to claim 97 be withdrawn and that claim 97 be allowed.

With this Amendment, Applicant has rewritten allowable claim 98 in independent form to include certain limitations of the base claim (claim 86) and intervening claims (93 and 95). Applicant, therefore, respectfully requests that the objection to claim 98 be withdrawn and that claim 98 be allowed.

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In view of the above, Applicant respectfully submits that pending claims 72-98 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Dmitry Milikovsky at Telephone No. (858) 655-3251, Facsimile No. (858) 655-5859 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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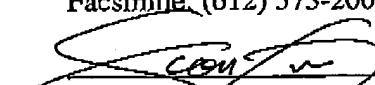
Respectfully submitted,

Jeffery S. Hess,

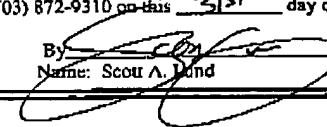
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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9310 on this 31<sup>st</sup> day of October 2003.

  
By \_\_\_\_\_  
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